

### **REMARKS**

The Examiner is thanked for the thorough examination of the present application, and the indication that claims 8-11, 19-22, and 32-35 contain allowable subject matter. The Office Action has, however, tentatively rejected the remaining claims. In this submission, the specification has been amended to correct noted informalities, and several claims have been amended.

In this submission, independent claims 1 and 12 have been amended and claims 37 and 38 have been added to more clearly identify non-obvious feature of the claimed invention. Specifically, independent claims 1 and 12 have been amended to include subject matter that the Office Action considered allowable. Likewise, claims 37 and 38 have been added to recite features that were considered allowable (e.g., that the ceramic element comprises a first retardant hole, the through hole of the main body has a second threaded portion, the at least one pushing element comprises a first threaded portion and a first retardant portion adjacent to the first threaded portion, the first threaded portion rotatably engages the second threaded portion, and the first retardant portion is engaged in the first retardant hole).

Support for these amendments can be found in at least FIG.2, FIG. 3, FIG. 4 and FIG. 6A of the original application (and related specification discussion). Accordingly, no new matter has been introduced into the application by the amendments made herein.

### **Rejections Under 35 USC § 103**

Claims 1-5, 12-16, and 36 were tentatively rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Kogan (U.S. Patent No. 5,885,428; hereinafter "Kogan") in

view of Sinclair (U.S. Patent No. 6,116,990; hereinafter "Sinclair"). Applicants respectfully traverse the rejections for at least the reasons discussed below.

In order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

As amended, independent claim 1 recites that the ceramic element is disposed on the first end surface and comprises a first retardant hole, the pedestal is disposed on the ceramic element and comprises a second retardant hole adjacent to the first retardant hole, the main body is disposed on the second end surface and comprises a through hole having a second threaded portion, the at least one pushing element comprises a first threaded portion, a first retardant portion and a second retardant portion, the first retardant portion is adjacent to the first threaded portion, the second retardant portion is adjacent to the first retardant portion, the first threaded portion rotatably engages the second threaded portion, the first retardant portion is engaged in the first retardant hole, and the second retardant portion penetrates the first retardant hole and is engaged in the second retardant hole.

Kogan does not teach or suggest that the pushing element comprises a second retardant portion adjacent to the first retardant portion, the pedestal comprises a second retardant hole adjacent to the first retardant hole, and the second retardant portion penetrates the first retardant hole and is engaged in the second retardant hole.

Sinclair apparently teaches an adjustable low profile gimbal system for chemical mechanical polishing. However, there is no disclosure of a second retardant portion adjacent to the first retardant portion, a second retardant hole adjacent to the first retardant hole, and the second retardant portion penetrating the first retardant hole and engaged in

the second retardant hole. Thus, even if Kogan could be combined with Sinclair, the resulting combination fails to teach all of the limitations of claim 1.

As neither Kogan nor Sinclair, when taken alone or in combination, teach all of the limitations recited in claim 1 of the present application, claim 1 is allowable over the cited references. Insofar as claims 2-4, 7 and 9-11 depend from claim 1, these claims are also allowable.

As amended, independent claim 12 recites that the pushing element comprises a second retardant portion adjacent to the first retardant portion, the third object has a second retardant hole adjacent to the first retardant hole, and the second retardant portion penetrates the first retardant hole and is engaged in the second retardant hole.

As noted above, even if Kogan could be combined with Sinclair, the references fail to teach all of the limitations of claim 12 (like claim 1). As neither Kogan nor Sinclair, when taken alone or in combination, teach all of the limitations recited in claim 12 of the present application, this claim is allowable over the cited references. Insofar as claims 13-15, 18 and 20-22 depend from claim 12, these claims are also allowable.

Claims 6-7, 17, and 18 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Kogan in view of Sinclair and further in view of Gardner et al. (U.S. Patent No. 5,300,175; hereinafter "Gardner"). Applicants respectfully traverse the rejections. As to claims 6 and 17 the rejection is moot, as these claims have been canceled. As to claims 7 and 18, these claims depend from claims 1 and 12 respectively. As these claims depend from allowable claims, Applicants submit that these claims define over the cited art for at least the same reasons as the base claims from which they depend.

New claim 37 recites that the ceramic element is disposed on the first end surface and comprises a first retardant hole, the main body is disposed on the second end surface and comprises a through hole having a second threaded portion, the at least one pushing element comprises a first threaded portion and a first retardant portion adjacent to the first threaded portion, the first threaded portion rotatably engages the second threaded portion, and the first retardant portion is engaged in the first retardant hole.

Gardner discloses a method for mounting a wafer to a submount. The Examiner states that Gardner teaches providing a retardant layer on the pushing element. However, neither the drawings nor the specification of Gardner teaches that the pushing element comprises a first retardant portion adjacent to the first threaded portion, the ceramic element comprises a first retardant hole, and the first retardant portion is engaged in the first retardant hole. Thus, even when Gardner is combined with Kogan and Sinclair, the citations fail to teach all of the limitations of claim 37.

As none of Kogan, Sinclair and Gardner, when taken alone or in combination, teaches all of the limitations recited in claim 37 of the present application, this claim is allowable over the cited references.

New claim 38 recites that the pushing element comprises a first retardant portion adjacent to the first threaded portion, the second object comprises a first retardant hole, and the first retardant portion is engaged in the first retardant hole.


As noted above, even when Gardner is combined with Kogan and Sinclair, the citations fail to teach all of the limitations of claim 38. As none of Kogan, Sinclair and

Gardner, when taken alone or in combination, teaches all of the limitations recited in claim 38 of the present application, this claim is allowable over the cited references.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of all pending claims.

No fee is believed to be due in connection with this amendment and response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,



Daniel R. McClure  
Registration No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500